

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4667

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFREY S. SHIFLER,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, District Judge. (1:06-cr-00320-JFM-1)

Submitted: September 15, 2009

Decided: October 6, 2009

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

John L. Machado, LAW OFFICE OF JOHN MACHADO, Washington, D.C., for Appellant. Paul Michael Cunningham, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey S. Shifler pled guilty pursuant to a written plea agreement to interference with attendance at public schools and interference with housing, in violation of 18 U.S.C. § 245(b)(2)(A); 42 U.S.C. § 3631(a) (2006), and he was sentenced to fifty-one months' imprisonment. Appellate counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he asserts there are no meritorious issues for appeal. Shifler was notified of his right to file a pro se supplemental brief, but he has not done so. The Government moves to dismiss the appeal, asserting Shifler waived his appellate rights in the plea agreement.

Upon review of the plea agreement and the transcript of the Fed. R. Crim. P. 11 hearing, we conclude that Shifler knowingly and voluntarily waived his right to appeal his sentence. Further, because counsel did not raise any sentencing issues outside the scope of the waiver, and we discern none, the terms of the agreement will be enforced. Accordingly, we grant the Government's motion to dismiss as to Shifler's sentence. However, because the appeal waiver pertains only to Shifler's sentence, we have reviewed the convictions pursuant to our obligation under Anders. As we have found no meritorious issues for appeal, we affirm Shifler's convictions.

This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART;
AFFIRMED IN PART